



The Corporation of the Township of Georgian Bay

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November 24, 2022

Hon. Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

via email: Steve.Clark@pc.ola.org

Dear Mr. Clark:

**Re: Bill 23, More Homes Built Faster Act, 2022 (ERO # 019-6163)
and Ontario Wetland Evaluation System (ERO #)19-6160)
Response from the Township of Georgian Bay**

Thank you for the opportunity to comment on Bill 23, the *More Homes Built Faster Act, 2022*. It is our understanding that Bill 23 proposes to amend nine statutes, revoke various regulations, and enact the *Supporting Growth and Housing in York and Durham Regions Act, 2022*, with the objective of increasing the number of homes built in the province.

The Township of Georgian Bay has a number of comments on Bill 23 for your consideration, as well as comments on the proposed changes to the MNR's Ontario Wetland Evaluation System and the Conserving Ontario's Natural Heritage Discussion Papers which are outlined in the following pages. Firstly however, we would like to provide some context to highlight some very unique aspects of our municipality that set us apart from the other area municipalities in the District of Muskoka, the province, and even the world.

Township of Georgian Bay in Local Context

In its current form, Bill 23 and primarily the changes to the Planning Act, will have long term unforeseen consequence of it being applied to the shorelines of our inland lakes (Little, Go Home, Gibson, Stewart and Six Mile), rivers and waterways, and most importantly on coastal Georgian Bay, all to the detriment of water quality, the environment, and our Township's nature-

based economy that is a resource for all Ontario residents and visitors for tourism and recreation.

While the Township has full municipal water and wastewater services owned and operated by the District of Muskoka serving the small hamlets of Port Severn and Mactier, and capacity exists to increase the number of homes in those hamlets, the number of fully serviced properties today represents less than five percent of the total number of properties throughout the entire Township. Therefore, the ability of the Township to provide more affordable homes faster to help the province realize its goal of 150,000 housing starts is limited, as would be the case with most other area municipalities in “cottage country” in the central, northern, eastern and the westernmost areas of this province.

The Township of Georgian Bay is just one of six Area Municipalities in the District of Muskoka, yet alone, contains over 50 percent of the total number of waterfront properties within the District as a whole. In the Township of Georgian Bay, waterfront properties represent over 95 percent of the total number of properties township wide. The vast majority of properties are occupied as second homes or cottages. Of the waterfront properties, approximately 50 percent are only seasonally accessible by boat from May to late October. Approximately 1,200 water access waterfront properties are currently vacant.

All waterfront properties are serviced by individual on-site sewage systems where the adjacent lake or waterbody is the ultimate receiver of effluent from these systems. Appropriate siting of a septic system that takes into account the extent of existing overburden and natural vegetation buffers, drainage direction, setbacks from the high water mark and flood elevation, are all critical to ensure that the effluent leaving those systems is adequately treated to avoid the risk of pathogens and phosphates from entering the adjacent waterbody. Today, Site Plan Control for instance, is applied Township wide (with a few limited exceptions), requiring an applicant to enter into a Site Plan Agreement to be registered on title as a Condition of Decisions of Council or Committee of Adjustment. This as a single tool, is critical to ensuring implementation of Conditions imposed to ensure natural vegetation and shoreline buffer are maintained to limit the amount of phosphorous that enters the lake system.

Township of Georgian Bay in the World Context

The Township of Georgian Bay is unique to the other Area Municipalities within the District, in that its entire coastal shoreline is part of the Ontario Great Lakes System which holds about 90 percent of the freshwater in Canada and the United States combined, and 20 percent of all the world's freshwater supply.

The Township of Georgian Bay is part of the Georgian Bay UNESCO World Biosphere Reserve, which is the world's largest freshwater archipelago by ten-fold comprised of approximately 35,000 islands. Together, the eastern and northern shores and waters (including the eastern end of the North Channel of Lake Huron, known as the Bay of Islands) contain the largest global freshwater archipelago.

The islands and shore of this area have a collective shoreline of 10,000 kms, which is longer than the collective shoreline of all the other Great Lakes combined, due to its coastal configuration of islets, inlets and fiords, and it is an ecosystem that is unique in its structure and diversity. Its habitat is rich in variation that includes sheltered inlets, rivers, ponds, vernal pools, coastal and inland wetlands, open waters, exposed bedrock, and forest gateways. All these features provide valuable habitat for an extremely diverse population of reptiles and amphibians that either meets or surpasses the rest of similar areas in our country. Our shorelines are also important areas for migratory and island nesting birds and provide valuable fish spawning grounds.

This area has the largest biodiversity of amphibians and reptiles in Canada and one of the largest in the world. The rich ecosystem supports the life of 840 native plant species, 170 types of breeding birds, 44 mammal species and 34 species of reptiles, amphibians, insects, and fish; however, 50 of these are Species at Risk (SAR) due to human interference and development, invasive species, and climate change interference.

The entire Biosphere Reserve and the Township of Georgian Bay's coastal shoreline is a region where much of the land meets a waterfront, be it a stream, an inland wetland, a river, a lake, and is what is referred to as the "*Ribbon of Life*," where globally, 90% of life lives. The first 30 metres inland from these shorelines protects sources of drinking water, conserves wildlife corridors and protects fish and wildlife habitat, all matters of which are mandated for protection by the Provincial Policy Statement and policies in our Official Plan.

The exchange of nutrients and organic materials between land and water provides abundant resources for a wide variety of species. For example, inputs of coarse woody debris (including logs, large branches, snags, bark, and coarse roots) from riparian trees increases the complexity of littoral zones, providing food and shelter in the nearshore). Fine particulate organic matter is generated as coarse woody debris breaks down and is a major food source for many aquatic organisms, such as invertebrates, which provide food for fish and birds. Vegetation also provides shading to shallow water, moderating water temperatures and making the littoral zone suitable wildlife habitat. Aquatic plants (macrophytes) in the littoral zone stabilize sediments, and provide habitat and nutrients for fish, zooplankton, and macroinvertebrates.

Ninety percent of all life in lakes, including many fish species, depends on shorelines for breeding, shelter, and foraging. Shorelines also provide key habitat for wildlife that rely on both aquatic and terrestrial environments for parts of their life cycle, such as dragonflies, salamanders, frogs, turtles, snakes, mammals, and birds. In addition, shorelines serve as dispersal corridors for many plants and animals, protecting biodiversity by connecting suitable habitat that might otherwise be isolated due to human activity and development.

Protection of this "*Ribbon of Life*" is vitally important for preserving this unique ecosystem and for mitigating the visual impacts of development on valued natural shorelines.

Generally speaking, the Township receives very few Plans of Subdivision applications and Plans of Condominium Applications. The predominant number of Applications which our Township receives are for rezoning, consent, minor variance and building permit applications on individual properties all on septic systems as noted. Our Township relies heavily on Site Plan Control as a valuable tool that is used to ensure that new development and re-development is managed in a way that ensures the protection of the lake quality and the sensitive features of our shorelines in the Biosphere Reserve that provides habitat to Species at Risk.

Communities around Georgian Bay, including the 12 First Nations, all share a passionate devotion to protecting the environment.

It is within this context that we would like to address Bill 23, as follows:

Schedule 1: *City of Toronto Act, 2006*

The Township of Georgian Bay has no comments on Schedule 1.

Schedule 2: *Conservation Authorities Act [ERO #019-2927 and #019-6141]*

As noted above, The Township of Georgian Bay is predominantly a waterfront community, which is heavily dependent on good lake health for drinking water, recreation, and our economy, and we are deeply concerned that the health of our many inland waterbodies and Georgian Bay itself, and our residents, may be negatively impacted by the proposed changes to the *Conservation Authorities Act*. Our Mission is: "To demonstrate leadership in protecting our natural environment while providing sustainable services in an efficient and equitable manner."

While the Township of Georgian Bay is not within the jurisdiction of a Conservation Authority, it does contain a UNESCO World Biosphere Reserve. We are concerned that the proposed limits on the ability of Conservation Authorities to comment on planning proposals and applications will impact surface and groundwater quality across the province, including within watersheds that drain into Georgian Bay. We are additionally concerned that the proposed limitations on commenting, coupled with the chilling effect of cost awards by the Ontario Land Tribunal, could result in risk and insurance implications for our municipality. We see these proposed changes as having a potentially profound effect not only in environmental terms, but also financially.

We also question if the proposed changes would meet the objective of the legislation. As a Township without a Conservation Authority to provide expertise on conservation or watershed management, we must outsource this expertise. As such, we are at the mercy of the availability of experts in the relevant areas of expertise to assist our Township in conducting necessary Peer Reviews of our *Planning Act* applications. Delays may result in responding to development applications within Planning Act statutory timelines as the consultants manage their private sector and public sector workloads. We are particularly cognizant of this in light of Bill 109, and the financial risks to the Township that will result from an inability to make a Decision on a Planning Act Application within the designated timeframes established in the Act.

Request – We ask that the modifications to the Conservation Authorities Acts be removed from Bill 23

Schedule 3: *Development Charges Act, 1997* [ERO #019-6172]

We are in support of the government's objective of providing financial incentives to encourage the development of affordable housing, however we are significantly concerned that the legislation proposes a reduction in the eligible capital costs that can be recovered through development charges that will result in a financial burden on a municipality that will ultimately shift to local taxpayers. This impact is compounded by a change to the historical service levels used to calculate eligible capital costs, from 10 years to 15 years. An overall reduction of the maximum development charge and a phase-in of development charges applicable to all developments, may have unintended consequences of delaying the construction of critical infrastructure, and shifting the financial burden of growth-related infrastructure needs onto the existing municipal taxpayers when developers themselves, should be bearing that burden.

We require a definition of "attainable" to provide further comment on that proposed exemption and would like to suggest that the definition be "the average Ontarian household that could attain the unit" and not "80% of market rate". Alternatively, perhaps the Government could consider adopting CMHC's definition of affordable housing. It is simple, straight-forward, applies to a range of housing and tenure types and is widely understood.

We are deeply concerned that "attainable" units may be defined such that they continue to remain unaffordable to most Ontarians and that the legislation may unintentionally cause a further affordability crisis as services that are currently funded through development charges, are downloaded to ratepayers. This is because less development charge revenue equals less funds to pay for growth related infrastructure, which shifts the burden of providing the service to the municipal tax base. This will result in increased municipal taxes, which is already problematic for those least able to afford it. There are other "knock-on" effects of reducing development charges that may currently be used to pay for a portion of the cost of new capital equipment, such as fire protection equipment (e.g., fire trucks). Reducing development charge revenue will mean the purchase of these safety assets could be delayed and additional life-safety measures, such as sprinkler systems, will need to be included in some residential structures, which will increase the cost/price of those units.

Schedule 4: *Municipal Act, 2001*

The Township of Georgian Bay has rental conversion policies in our Official Plan that assist us in preserving our existing rental supply. We do not support this proposed change.

Schedule 5: *New Home Construction Licensing Act, 2017*

No comments.

Schedule 6: *Ontario Heritage Act*

Rural municipalities rely on tourism and cultural heritage as an important component that attracts visitors and seasonal residents to these areas and provides a stimulus to our economy. Requiring designation of all listed properties within two years will create significant burdens on smaller rural municipalities to preserve cultural heritage. Furthermore, the threshold requiring that a property meet two or more of the criteria prescribed in the proposed regulation should not apply to all lands in Ontario, but rather to appropriate locations where intensification of housing is more suitable.

Request: Delete the requirement that a property owner meet two or more of the criteria prescribed in the regulation to be designated and modify the regulation to only apply to cultural heritage resources within fully serviced urban settlement areas.

Schedule 7: *Ontario Land Tribunal Act, 2021*

We appreciate that appeals have, in some cases, been a barrier to the construction of housing. And we understand given the objective of Bill 23, that giving priority to scheduling hearings of appeals where housing is being proposed, would assist in bringing more new homes to the market faster. However, we are concerned that providing the Tribunal with increased powers to order costs against an unsuccessful party at a hearing will be a deterrent to the Township as well as the residents of our Township, where participating by way of an appeal is warranted for a particular reason or circumstance. In our Township as one can conclude from the above description, it is not a one size fits all scenario. Each waterfront property is unique in its size, configuration, natural and environmental site conditions, and constraints. Oftentimes, a resident's involvement by way of an appeal, has been essential in bringing new or site specific information to light perhaps not considered or overlooked in decision making.

We believe the emphasis on changes to the Tribunal Act should be shifted away from cost awards and focused on giving greater power to the Tribunal to dismiss an appeal in an urban serviced area only where housing can be provided, if and only if, no evidence is provided to the Tribunal that proves an appeal has merit. This would eliminate appeals that are frivolous, vexatious, or purely for the purposes of delay which typically are what frustrate the development approval process.

Request: Focus modifications to the Tribunals Act on measures solely that would prioritize hearings to facilitate housing development in fully serviced areas, and dismissal powers where in such circumstances, no merit exist to an appeal.

Schedule 9: *Planning Act* [ERO #019-6163]

Site Plan Control – As noted, over 95 percent of all properties in the Township are individual lots adjacent to our inland lakes, rivers, or coastal Georgian Bay, and are serviced by individual on-site septic systems. As such, we rely heavily on Site Plan Control as a tool to manage the health of our watershed and as a way to limit phosphorous generated from human activities from entering our lake water systems. While separation distance between the water and septic systems (including leaching beds and associated distribution piping), is managed in our Zoning By-law, we use Site Plan Control in situations where site considerations or constraints may dictate the need for greater setbacks to maintain an adequate elevation above the flood elevation, or installation in a location better suited from the standpoint of drainage direction, slope, or extent of natural overburden.

The use of Site Plan Control on individual applications allows our municipality to require additional plantings in buffers area between the septic system and the receiving waterbody which have a significant impact on phosphorous uptake and retention. We also use Site Plan Control as a tool to ensure appropriate locations of buildings, accessory structures, pathways, and docks to avoid sensitive habitat, as a means to implement stormwater management and construction mitigation techniques, and to retain the naturalized appearance of our shorelines which is critical to lake health, our economy, and our environment as a tourism resource.

As proposed, this Bill would make it easier for properties to be developed on sensitive waterbodies without effective oversight and measures to protect water quality and the natural environment that is habitat to so many Species

at Risk. We are very concerned with the proposed changes, and request that **rural** municipalities maintain their ability to use Site Plan Control for developments with less than 10 units.

Request: Modify Bill 23 to maintain the ability under Section 41 of the Planning Act, for rural municipalities to continue to use Site Plan Control as an effective implementation tool no matter the number of units proposed.

Removal of a Requirement for Giving Notice and Holding Public Meetings for Plans of Subdivision – It is critically important that residents and adjacent landowners in cottage country learn about applications for Plans of Subdivision that will impact them and have the ability to be heard by Council before Decisions are made. Developers have been known to shoot for the moon in their initial asks, often proposing development in inappropriate locations. As such and given the sensitive aspects of our coastal shorelines and connected habitat for a multitude of Species at Risk in our Township, it is essential that our Council hears the voices of the residents willing to advocate for the kind of development appropriate to an area through that public participation process. Many applications have been made more appropriate in scale and more respectful of the environment as a result of that participation. Removal of the requirement for giving of Public Notice and an ability for the public to have input on Plans of Subdivision, would remove a very basic fundamental aspect of a democratic and transparent public process that has been entrenched in the Planning Act since its inception.

Request: Maintain the Holding of Public Meetings for Plans of Subdivision

Removal of a Third party Right of Appeal - The Township is a unique community in Ontario that has a large number of resident associations, including Cottage Associations. We share their concern with the proposed changes with respect to Third Party Appeals and support the government maintaining these rights. We understand that the right for a Third Party to appeal an amendment to an Official Plan, Zoning Bylaw and Minor Variance Application is to remain as announced by your government on November 21, 2022, and we applaud this change to Bill 23. However, this will have little effect, if the unsettling effect of a cost award remains in the proposed legislation.

Changes to Parkland Dedication - We support the exemption of affordable housing from parkland dedication requirements and require additional information regarding “attainable” housing. We do not support the proposed change that requires 60% of parkland budgets to be spent or allocated each year. As a smaller municipality it takes us multiple years to gather enough dedication fees to purchase a park, and we value the flexibility under the current system that allows us to be nimble in our response to changing parkland needs (example: demographic and locational).

We are generally in support of the additional residential unit changes, though we would like the Minister to be aware that this change has caused us some concern regarding our existing water and wastewater capacities within our settlement areas.

Schedule 10: Supporting Growth and Housing in York and Durham Regions Act, 2022

No comments.

Proposed Updates to the Ontario Wetland Evaluation System [ERO #019-6160]

We are deeply concerned with all aspects of the proposed changes to the MNRF’s Wetland Evaluation System, particularly the ability of a developer to de-list and or redefine the boundary of any wetland. This will result in significant loss of critical climate resilient natural wetland habitat that cannot be replicated anywhere else.

According to McMaster University’s Biology Professor Pat Chow-Fraser, eastern and northern Georgian Bay contains the highest quality, most diverse and most extensive coastal wetlands of all the Great Lakes. Georgian Bay wetlands provide important aquatic wildlife habitat that includes many Species at Risk wildlife – turtles, fish, snakes, and birds. But these wetlands are the most sensitive to climate change since they are located on glacial till sediments left from the ice age and scattered among the approximately 35,000 granite Shield bedrock islands and complex granite shorelines. They cannot be replicated anywhere else. They are very sensitive to extreme water levels and facing climate change effects on water levels, their existence is fragile.

Besides these coastal wetlands there are also extensive inland vernal pool wetlands that are seasonally flooded and again provide important habitat for

frogs and SAR salamanders. If their boundaries are altered the wildlife that is dependent on returning every year to spawn will be eradicated since they are loyal to their wetland.

Wetlands provide critical functions to filter and absorb contaminants and excess nutrients including phosphorous and nitrogen. Any alteration to their boundaries would reduce or eliminate this important water quality function. We do not support the removal of wetland complexing which may result in the de-listing of Provincially Significant Wetlands and the de-listing of many of our wetlands. We do not support the removal of any Species-At-Risk from the criteria that determines a wetland's significance.

All the proposed changes may result in increased development within and adjacent to wetlands, reducing wetland's ability to retain phosphorous and directly impacting lake health within the Township's watershed. It also impacts Species-At-Risk who, aside from their intrinsic value, are economically valuable for the Township as they attract tourists and increase our appeal as a second home destination in Ontario.

Conserving Ontario's Natural Heritage Discussion Paper [ERO #019-6161].

We appreciate the opportunity to comment on this Discussion Paper, which is seeking feedback on the development of a policy to offset development pressures on wetlands, woodlands, and other natural wildlife habitat.

It is unclear whether municipalities will be responsible for making decisions on when and where to use this tool, or if there will be guidance from the Ministry. In general, we would oppose offsetting since no natural wetland, woodland or natural wildlife habitat that has been developed over hundreds if not thousands of years could be replicated elsewhere. Our Township is on the Precambrian Shield with little soil cover so there would be extremely limited opportunity to relocate or offset its key natural features.

Upon a preliminary review we suggest that natural heritage loss within a municipality be offset within the same municipality. We will continue to review this paper and will consult with our environmental experts and provide additional comment under separate cover.

It is also our understanding that the government announced on November 21, 2022, that municipalities can retain the authority to create and rely on green

standards. We support the ability to create and rely on green standards and are pleased this change has been made.

Thank you for the opportunity to provide comment on the aforementioned proposed legislative changes.

Sincerely,

COUNCIL OF THE TOWNSHIP OF GEORGIAN BAY




Peter Koetsier
Mayor



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District Councillor, (Wards 1 & 3)



Steven Predko
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